

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,** :  
:  
**Plaintiff,** : **Case No. 2:08-CR-99**  
:  
**vs.** : **JUDGE ALGENON L.MARBLEY**  
:  
**Andrew I. Schwartz** :  
:  
**Defendant.** :  
**ORDER**

On October 14, 2008, the Magistrate Judge issued a *Report and Recommendation* pursuant to 28 U.S.C. § 636(b)(1) urging the Court to accept Defendant Andrew I. Schwartz guilty plea. Defendant, represented by counsel, waived his right to appear on the matter before a District Judge. The Magistrate Judge conducted the colloquy required by Federal Rule of Criminal Procedure 11(b). Defendant's plea was knowing, voluntary, free from coercion, and had a basis in fact. Although Defendant was specifically informed of his right to contest the *Report and Recommendation* and the consequences of his failure to do so, he did not object. Accordingly, the Court ADOPTS the *Report and Recommendation* and ACCEPTS Defendant's plea of guilty to count one of the indictment.

**IT IS SO ORDERED.**

s/Algenon L. Marbley  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT COURT**

**Dated: October 21, 2008**